

Remarks

Claims 1-7, 9-19, 21 and 24 were pending in the subject application. By this Amendment, the applicants have amended claims 1-3, 5, 7, 9, 12, 14, 15 and 19 and have cancelled claims 6, 10, 11, 13, 21 and 24. No new matter has been added by these amendments. Accordingly, claims 1-5, 7, 9, 12 and 14-19 are now before the Examiner for consideration.

The amendments to the claims and specification have been made in an effort to correct obvious clerical errors and to lend greater clarity to the claimed subject matter and to expedite prosecution. Support for the claims amendments can be found throughout the specification. The amendments should not be taken to indicate the applicants' agreement with, or acquiescence to, the rejection of record. Favorable consideration of the claims now presented, in view of the remarks and amendments set forth herein, is earnestly solicited.

Claims 12 and 24 have been objected to as reciting an improper Markush Group. By this Amendment, the applicants have amended claim 12 and have cancelled claim 24. Claim 12 has been amended to remove reference antibodies and inhibiting RNA. The applicants believe that these amendments should address the issue raised by the Examiner. Accordingly, the applicants respectfully request reconsideration and withdrawal of this objection.

The Office Action has objected to Table 1 beginning on page 17 through page 19 of the subject specification under 37 C.F.R. 1.52(b). Please note that the specification has now been amended to provide a re-formatted Table I that conforms to the requirements of 37 C.F.R. 1.52(b).

Claims 1-5, 7, 9, 12, 14-19 and 24 have been rejected under 35 U.S.C. §112, first paragraph. The Office Action states that the subject matter of claims 1-5, 7, 9, 12, 14-19 and 24 does not comply with the written description and enablement requirements. In particular, the Examiner notes on pages 4 and 5 of the Office Action that the present application does not disclose a nucleotide sequence of SEQ ID NO:1 or an amino acid sequence of SEQ ID NO:2.

The applicants appreciate the Examiner's identification of this inconsistency and have amended the specification and claims herein to correct the obvious clerical mistake whereby the odd-numbered sequences should be the amino acid sequences and the even-numbered sequences should be the polynucleotide sequences.

The Office Action raises further objections against the subject matter of claim 24 for not fulfilling the written description and enablement requirements. This rejection has been rendered moot by the cancellation of claim 24.

Further, claims 7, 9 and 12 have been rejected insofar as these claims refer to the complementary strand of a polynucleotide encoding that polypeptide. The expression “or the complementary strand of such a polynucleotide” has been deleted in amended claims 7, 9 and 12.

In view of these amendments to the claims, the applicants respectfully request reconsideration and withdrawal of the rejection under 35 U.S.C. §112, first paragraph.

Claims 1-5, 7, 9, 12, 14-19 and 24 have been rejected under 35 U.S.C. §112, second paragraph. The Office Action states that the subject matter of these claims is vague and indefinite because antecedents would be lacking for expressions such as “the deduced amino acid sequence as shown in SEQ ID NO:2,” and similar expressions as well as for the plural form of “polynucleotides.”

In order to overcome the above objection, the applicants have amended the claims herein to address the issue raised by the Examiner. Also, for additional clarity the claims have been amended at several instances to replace the plural form “polynucleotides” with the singular form “a polynucleotide.”

The Office Action further states that the term “stringent conditions” is vague and also states that the term “preferable” renders the respective claims indefinite. In order to overcome this rejection, claims 1, 3, 5, 7, 14, 15 and 19 have been amended to refer to “under moderate hybridization conditions” instead of referring to “preferably under stringent conditions.” Support for the above amendment can be found in the description at, for example, pages 7, 11, 22-24. The cited text passage of the description provides exact temperature and concentration parameters for moderate hybridization conditions.

In section 8 of the Office Action the Examiner noted that the subject matter of claims 1, 2, 7, 9 and 19 would encompass naturally occurring products and/or processes, if the claims referred to the amino acid sequence of SEQ ID NO:1 and/or the nucleotide sequence of SEQ ID NO:2. Accordingly, the claims have been amended such that the polynucleotides and polypeptides of claims

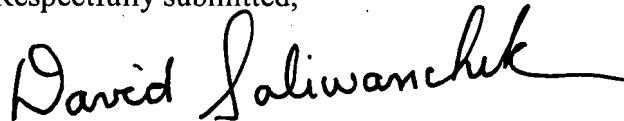
1, 2, 7, 9 and 19 are characterized as "isolated polynucleotides" or "isolated polypeptides," respectively.

In view of the foregoing remarks, the applicants believe that the currently pending claims are in condition for allowance, and such action is respectfully requested.

The Commissioner is hereby authorized to charge any fees under 37 CFR §§1.16 or 1.17 as required by this paper to Deposit Account No. 19-0065.

The applicants also invite the Examiner to call the undersigned if clarification is needed on any of this response, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,



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Attachments: Marked-up Version of Substitute Specification  
Clean copy of Substitute Specification  
Statement under 37 C.F.R. §1.125(b)